



Court of Appeals affirmed this ruling. *United States v. Hopkins*, No. 21-6895, 2022 WL 1552132, at \*1 (4th Cir. May 17, 2022).<sup>1</sup>

Section 404(c) of the First Step Act provides:

No court shall entertain a motion made under this section to reduce a sentence if the sentence was previously imposed or previously reduced in accordance with the amendments made by sections 2 and 3 of the Fair Sentencing Act [] or if a previous motion made under this section to reduce the sentence was, after the date of enactment, denied a complete review of the motion on the merits. Nothing in this section shall be construed to require a court to reduce any sentence pursuant to this section.

First Step Act, Pub. L. No. 115-391, 132 Stat. at 5222 (2018). Defendant appears to argue *Concepcion v. United States*, 142 S.Ct. 2389 (2022), modified or eliminated the provision in § 404(c) that prohibits successive motions. However, his arguments are misplaced. *Concepcion* clearly recognizes that “§ 404(c)[] places two explicit limitations on available relief,” including when “previous motion made under this section to reduce the sentence was, after the date of enactment of this Act, denied after a complete review of the motion on the merits.” *Id.* at 2401. This Court has denied Defendant’s previous motion under this section after a complete review on the merits, and the Fourth Circuit affirmed that decision.

For these reasons, as well as those stated in the Court’s previous ruling, (Doc. No. 253), the Court denies Defendant’s Renewed Motion for a sentence reduction under § 404(b) of the First Step Act, (Doc. No. 289).

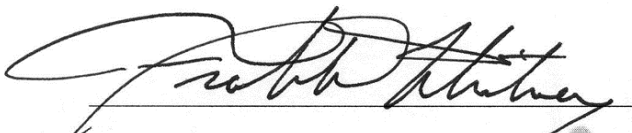
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<sup>1</sup> In addition, the Court has also denied Defendant’s previous motion for a compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). (Doc. No. 283). Defendant did not appeal that motion, and the time for doing so has long expired.

IT IS THEREFORE ORDERED that Defendant's Motion for Leave to Reply, (Doc. No. 290), is GRANTED, and Defendant's Renewed Motion for a Reduction of Sentence, (Doc. No. 283), is DENIED.

IT IS SO ORDERED.

Signed: March 29, 2023

  
Frank D. Whitney  
United States District Judge

